

COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on February 24, 2003. At the time the Examiner mailed the Office Action claims 1 through 65 were pending. By way of the present response the Applicant has amended claims 1 through 65. No claims have been canceled and no claims have been added. As such, claims 1 through 65 remain pending. The Applicant respectfully requests reconsideration of the present application and the allowance of claims 1 through 65.

The Examiner has indicated that claims 1 through 65 are allowable provided that an offense to 35 USC 112, paragraph 2 is corrected. In particular the Examiner stated that:

Claim 1, line 1, is labeled as a "dynamic gain flattening filter", however there is nothing in the body of the claim, i.e., after the word, "comprising" which specifically points out structural limitation acts to perform "gain flattening" or which structural limitation performs the function of optical wavelength filtering. Claim 31 is rejected for the same reasons as claim 1. The remaining dependent claims 2-30 and 32-65 are also rejected as being inclusive of rejected claims 1 or 31.

(See Examiner's Office Action mailed 2/24/03, pgs. 2-3)

In response, the Applicant has rewritten the preamble for each of claims 1 through 65 so as to more generically recite "An, optical apparatus". The Applicant thanks the Examiner for the allowance of claims 1 through 65.

Conclusion

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Robert B. O'Rourke at (408) 720-8300.

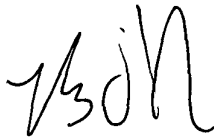
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _____

7/24/03



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